

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF;
WIES RAFI; and HANG GAO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC.; and LEEN
KAWAS, Ph.D.,

Defendants.

C21-0861 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The deferred portion of plaintiffs' renewed motion for preliminary approval of a proposed class settlement, docket no. 125, is GRANTED as follows.

(a) The form of notice to be mailed to members of the Class¹ ("long-form notice"), Ex. 1 to Joint Status Report (docket no. 129-1), is APPROVED with the changes reflected in Exhibits A and B, which are clean and redlined versions of the long-form notice, respectively. The final approval hearing date and all deadlines shall be in bold type.

¹ The Class is defined "all persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock during the period from September 17, 2020, through June 17, 2021, inclusive (the "Class Period"), and were damaged thereby." Order at 19, ¶ 4 (docket no. 128). The Class consists of two subclasses: (i) the Securities Act Subclass, which is comprised of "all persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock during the period from September 17, 2020, through March 16, 2021, inclusive, and were damaged thereby"; and (ii) the Exchange Act Subclass, which includes "all persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock during the period from March 17, 2021, through June 17, 2021, inclusive, and were damaged thereby." *Id.*

(b) The form of notice to be published in *Investor's Business Daily* and transmitted via *PR Newswire* ("short-form notice"), Ex. 3 to Joint Status Report (docket no. 129-3), is APPROVED with the changes reflected in Exhibits C and D, which are clean and redlined versions of the short-form notice, respectively.

(c) Having already concluded that the proposed plan for serving notice provides the best notice practicable under the circumstances, *see* Order at 23, ¶ 13 (docket no. 128), the Court further CONCLUDES that approved forms of notice meet the requirements of Federal Rule of Civil Procedure 23 and comport with the principles of due process.

(d) The proposed Claim Form, Ex. 5 to Joint Status Report (docket no. 129-5), is APPROVED.

(e) The proposed Exclusion-Request (Opt-Out) Form, Ex. 7 to Joint Status Report (docket no. 129-7), is APPROVED.

(f) The Court will conduct a Final Approval Hearing at **10:00 a.m. on Friday, October 25, 2024**, in Courtroom 15206 on the 15th Floor of the United States Courthouse, located at 700 Stewart Street in Seattle, Washington. Class members may attend the hearing in person or participate virtually via the ZoomGov.com platform. Counsel will be provided, via email, the ZoomGov.com information, and they shall provide it to the Settlement Administrator. The Settlement Administrator shall post information about the Final Approval Hearing on the website maintained for this matter. *See* Order at 21, ¶ 9 (docket no. 128).

(g) Within seven (7) days of the date of this Minute Order, defendant Athira Pharma, Inc. ("Athira") shall provide to the Settlement Administrator, in electronic form, a list of purchasers of record of Athira publicly traded common stock during the Class Period.

(h) Plaintiffs' motion for attorneys' fees and Litigation Expenses shall be **filed on or before April 30, 2024**, and **noted for October 18, 2024**. Any response to such motion by a Class member who is represented by counsel must be filed with the Court by October 11, 2024. Any objection to such motion by a Class member who is not represented by counsel must be submitted to the Settlement Administrator **electronically on or before, or postmarked (or bearing other proof of mailing) by, September 6, 2024**. The Settlement Administrator shall promptly forward such objection(s) to Class Counsel. Class Counsel shall collate and file, as an attachment to any reply in support of such motion, all objections from Class members who are not represented by counsel. Any reply shall be filed by the noting date, but no reply need be filed if no response was filed with the Court and no objection was received by the Settlement Administrator or Class Counsel.

(i) If it has not already done so, the Settlement Administrator shall, **on or before May 15, 2024**, establish the website for this matter, and it shall upload to the website the materials enumerated in Paragraph 9 on Page 21 of the Order entered February 15, 2024, docket no. 128.

(j) **On or before May 15, 2024**, the Settlement Administrator shall send to putative Class members, via first-class mail, the long-form notice, a Claim Form, and an Exclusion-Request (Opt-Out) Form. These materials shall also be available for download from the website for this matter.

(k) **On or before May 31, 2024**, the Settlement Administrator shall arrange for the short-form notice to be published once in *Investor's Business Daily* and transmitted once via *PR Newswire*. Such publications shall occur **on or before June 14, 2024**.

(l) The deadline for submitting, to the Settlement Administrator, a request for exclusion from the Class, a Claim Form, and/or a written objection is **September 6, 2024**.

(m) Plaintiffs' motion for final approval of the proposed class settlement shall be **filed on or before September 26, 2024**, and **noted for October 18, 2024**. Such motion shall be accompanied by an appropriate declaration of the Settlement Administrator, summarizing the rates and natures of Class members' responses, and providing copies of all exclusion requests and written objections, which shall be filed under seal to protect the privacy of Class members. Such materials shall not be filed in piecemeal fashion or in advance of any motion for final approval of the proposed class settlement. The Settlement Administrator's declaration shall also provide the screen shots of the website for this matter that are required by the Order entered February 15, 2024, docket no. 128.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 29th day of March, 2024.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk